

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

**FILED**

JUN 27 2008

William B. Guthrie  
Clerk, U.S. District Court

Deputy Clerk

TWYLA TANNER, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 MIKE MULLIN, Warden, )  
 )  
 Respondent. )  
 )  
 No. CIV 06-232-RAW-KEW

**OPINION AND ORDER**  
**DENYING MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner has filed a motion requesting the court to appoint counsel to assist with her objections to the Magistrate Judge's Report and Recommendation. She bears the burden of convincing the court that her claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of petitioner's claim, the nature of factual issues raised in her allegations, and her ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering petitioner's ability to present her claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *See also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). ACCORDINGLY, petitioner's motion [Docket #26] is DENIED.

IT IS SO ORDERED this 27<sup>th</sup> day of June 2008.

  
RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE